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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,036	01/11/2001	Christian Hentschel	PHNL 010002	2194

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

NGUYEN, VAN H

ART UNIT	PAPER NUMBER
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2194

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/759,036

Applicant(s)

HENTSCHEL ET AL

Examiner

VAN H. NGUYEN

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 1-20 are presented for examination.

### *Specification*

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### *Arrangement of the Specification*

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Webb et al.** (U.S. 6,151,018) in view of **Applicant Admitted Prior Art (APA)**.

5. As to claim 9, Webb teaches the invention substantially as claimed including an algorithm wherein the algorithm comprises a first function and a second function (see abstract), the system comprising:

function means conceived to contain the first function of the algorithm and a second function of the algorithm (col.3, line 65-col.4, line 13), and

lookup means (see fig.6) conceived to contain a plurality of output quality levels that can be provided by the algorithm, a first plurality of quality level settings of the first function and a second plurality of quality level settings of the second function (col.3, lines 47-63); and

assigning a first quality level of the first plurality of quality levels to the first function and assigning a second quality level of the second plurality of quality levels to the second function based on the output quality level (col.4, lines 13-42).

Webb does teach the algorithm, but does not explicitly teach allocating a budget to the algorithm.

APA teaches allocating a budget to the algorithm (page 1, lines 16-18).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of APA with Webb because APA's teachings would have provided the capability for improving video images generated from video signals.

6. As to claim 10, Webb teaches at least one output quality level of the plurality of output quality levels can be provided by the algorithm for at least one first quality level setting of the first plurality of quality level settings and at least one second quality level setting of the second plurality of quality level settings (col.3, lines 30-46).

7. As to claim 11, Webb teaches a complexity means conceived to contain a plurality of levels of complexity of operation for the at least one first quality level setting (col.3, lines 13-22).

8. As to claim 12, Webb teaches a hardware configuration means conceived to contain a hardware platform configuration of the system to determine at least the plurality of output quality levels (fig.1 and associated text).

Art Unit: 2194

9. As to claim 13, Webb teaches a software configuration means conceived to contain a software platform configuration of the system to determine at least the plurality of output quality levels (col.4, lines 11-19).
10. As to claim 16, Webb teaches a television set (5 and 45, fig.1).
11. As to claim 17, Webb teaches a set-top box (44, fig.1).
12. As to claim 1, it is directed to a method for presenting the system of claim 9 above and is similarly rejected under the same rationale.
13. As to claim 2, Webb teaches determining that the first function, while providing the first quality level, can be operated at a plurality of levels of complexity (col.3, lines 30-47).
14. As to claim 3, Webb teaches operating the algorithm at the output quality level, and operating the first function at the first quality level while consuming a first amount of resources by the first function and operating the second function at the second quality level while consuming a second amount of resources by the second function (col.4, line 50 - col.5, line 13).
15. As to claim 4, Webb teaches operating the first function at a least complex level of the plurality of levels of complexity (col.3, lines 13-22).
16. As to claim 5, APA teaches the allocated budget is substantially equal to the requested algorithm resource (page 1, lines 14-15).
17. As to claim 6, APA teaches first amount of resources in addition to the second amount of resources is substantially equal to the allocated budget (page 1, lines 16-18).
18. As to claim 7, Webb teaches determining a hardware platform operating the method to determine the algorithm resource and the plurality of output quality levels (fig.1 and associated text).

Art Unit: 2194

19. As to claim 8, Webb teaches determining a software platform operating the method to determine the algorithm resource and the plurality of output quality levels (col.4, lines 6-13).
20. As to claim 14, Webb teaches a computer program product (col.2, lines 43-50).
21. As to claim 15, Webb teaches a storage device (col.7, lines 4-7).
22. As to claim 18, the rejection of claim 9 above is incorporated herein in full. Additionally, Webb further teaches at least one memory (col.7, line 5) and at least one processor (51, fig.5).
23. As to claim 19, Webb teaches storing a hardware configuration file containing a hardware platform configuration of the system, the plurality of output quality levels based at least partially on the hardware configuration file (see fig.57 and the associated text).
24. As to claim 20, Webb teaches storing a software configuration file containing a software platform configuration of the system, the plurality of output quality levels based at least partially on the software configuration file (col.3, lines 64-col.4, line 27).

### ***Response to Arguments***

17. Applicant's arguments filed December 22, 2004 have been fully considered but they are not persuasive.
18. In the remarks, Applicant argued in substance that (a) Webb does not disclose "allocating a budget to the algorithm...Webb does not anticipate all element of Claim 9 (page 10); (b) APA lacks any mention of allocating a budget to an algorithm (page 12).

Art Unit: 2194

19. Examiner respectfully traverses Applicant's remarks.
- (i) As to point (a), "allocating a budget to the algorithm" was not previously claimed in claim 9.
  - (ii) As to point (b), APA does disclose allocating a budget to an algorithm (the functions that can be used within the algorithm are derived from the allowed CPU load and the budget each function is allowed to use must be allocated to each function individually (APA, page 1, lines 16-18).

***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Biliris (EP 0762275 A2) teaches "Dynamic hierarchical resource scheduling for continuous media".
  - Ramanujan et al. "Adaptive streaming of MPEG video over IP networks" 1997 IEEE, PP.398-409.
21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
22. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any




Art Unit: 2194

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.
24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.
25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Meng-Ai An can be reached on (571) 272-3756.
26. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:  
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